

**Certificate of Facsimile Transmission**  
I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below.

M. Bud Nelson, Reg. No. 35,300  
Name M. Bud Nelson  
Signature 27 Oct. 2000  
Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Barberá-Guillem, Castro, and Nelson

Serial No. 09/436,159 Examiner: A. Chakrabarti, Ph.D.

Filed: November 09, 1999 Art Unit 1655

For: Functionalized nanocrystals and their use in strand  
synthesis or sequence determination

Assistant Commissioner of Patents Docket No. B-13-NP  
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBFVIAE A DOUBLE  
PATENTING REJECTION**

The owner, Bio-Pixels Ltd., of a 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of a patent granted on claims 1-3, 5, 7-34 of the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of United States Patent Number 6,114,038. The owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,114,038 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal portion of any patent granted on the

Serial No. 09/436,159

## Terminal Disclaimer

instant application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,114,038, in the event that U.S. Patent No. 6,114,038: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any matter terminated prior to expiration of its full statutory term.

The co-ownership of Bio-Pixels Ltd. of the instant application and of U.S. Patent No. 6,114,038 was recorded by the USPTO on 18 July 2000 on reel/frame 010985/0834.

I, M. Bud Nelson, represent that I am the attorney of record for this application, and that I am authorized to, and under 37 CFR §1.321 have the authority to, execute this terminal disclaimer. The PTO is authorized to charge Deposit Account 500438 for the terminal disclaimer fee (37 CFR 1.20(d)).

Signed,  
Attorney for Applicants

By M. Bud Nelson  
M. Bud Nelson  
Reg. No. 35,300

27 October 2000  
Bio-Pixels Ltd.  
575 McCorkle Blvd.  
Westerville, OH 43082-8888